

REMARKS

This Amendment, submitted in response to the Office Action dated March 18, 2010, is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Claims 3-11, 14-22, and 28-30 are all the claims pending in the application. Claims 28 and 29 are independent. Claims 28 and 29 are amended.

I. Claim Rejections - 35 U.S.C. § 103

The Examiner rejected claims 3-11, 14-22, and 28-30 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Riggins (US 6,766,454 B1), and in further view of Clark (US 5,490,251) and Koo et al (US 6,831,909 B1). The Applicant respectfully traverses the rejection.

Claims 28 and 29

The Applicant herein amends claims 28 and 29 to recite “wherein the second transmission channel is dedicated only to the exchange of voice data.” In the Advisory Action dated June 15, 2010, the Examiner indicated that the Applicant’s arguments that Koo fails to teach a second transmission channel dedicated to the exchange of voice data was not persuasive, as “Applicant’s claim does not recite that the channel is dedicated only to the exchange of voice data, merely that it is dedicated to the exchange of voice data.” *Advisory Action*, p. 3 (emphasis added). The Applicant amends claims 28 and 29 to recite “wherein the second transmission channel is dedicated only to the exchange of voice data,” and submits that Koo fails to teach or suggest “wherein the second transmission channel is dedicated only to the exchange of voice data,” as recited in claims 28 and 29. As set forth in the Applicant’s Response of June 1, 2010,

Koo teaches sending non-voice data messages over an otherwise “dedicated” voice channel (*Koo*, col. 6, lines 1-7), so that the channel in Koo is not “dedicated only to the exchange of voice data.” The Examiner admits that Riggins and Clark fail to teach or suggest the recited feature, and as such, the Applicant respectfully requests that the rejection under 35 U.S.C. § 103(a) be withdrawn.

The Examiner cites to Clark as teaching “setting up a connection on the first transmission channel (Clark: abstract),” but the Applicant first notes that claim 28 recites “wherein the configuration data enables the terminal to set up a connection with the server on the first transmission channel during a voice connection between at least two users on the second transmission channel.” Clark fails to disclose each and every element of claim 28, as Clark does not disclose or suggest setting up a connection with a server on the first transmission channel during a voice connection between at least two users on the second transmission channel. As Koo notes in col. 1, lines 38-44, it is difficult to set up a separate connection between during a voice connection between at least two users on the second transmission channel, as Koo is forced to send message data over the voice channel, meaning that the voice channel is not dedicated only to the exchange of voice data.

Neither Clark, Riggins nor Koo, taken alone or in combination, teach or suggest “wherein the second transmission channel is dedicated only to the exchange of voice data,” nor do they teach or suggest “wherein the configuration data enables the terminal to set up a connection with the server on the first transmission channel during a voice connection between at least two users on the second transmission channel,” as recited in claims 28 and 29.

AMENDMENT UNDER 37 C.F.R. § 1.114(c)
U.S. Application No.: 10/517,369

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Claims 3-11, 14-22 and 30

The Applicant additionally submits that claims 3-11, 14-22 and 30 are allowable at least based on their dependency to their respective independent claims 28 and 29.

II. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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